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**NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS**

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF CHIROPRACTIC EXAMINERS

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSE OF :

Administrative Action

MICHAEL S. LIO, D.C.
License No. MC 4091

FINAL ORDER
OF DISCIPLINE

TO PRACTICE CHIROPRACTIC
IN THE STATE OF NEW JERSEY

ORIGINAL

This matter was opened to the New Jersey State Board of Chiropractic Examiners ("Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent is a chiropractor in the State of New Jersey and has been a license at all times relevant hereto.
2. On June 1, 2001, respondent was convicted of the crime of Third Degree Arson in New Jersey Superior Court in Passaic County, New Jersey. Specifically, respondent voluntarily entered a plea of guilty to one count of violation of N.J.S.A. 2C:17-1b (1) and (3), in that he did purposely start a fire on his own property, thereby recklessly placing another person in danger of death or bodily injury, with the purpose of collecting insurance for the destruction or damage to his property.
3. The following sentence was ordered: respondent was placed on probation for three years and ordered to obtain counseling with a report to be submitted to the Probation Division. Respondent was fined \$2,500.00 and ordered to pay assessments of \$50 to the Violent Crimes

Compensation Board, \$75 to the Safe Neighborhood Services Fund, a \$25 monthly fee during the period of probation, and \$30 to the Law Enforcement Officers Training and Equipment fund.

CONCLUSIONS OF LAW

1. The above conviction provides grounds for the suspension of his license to practice chiropractic in New Jersey pursuant to N.J.S.A. 45:1-21(f) in that the crime of which respondent was convicted is one of moral turpitude and/or relates adversely to the practice of chiropractic.

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline ordering a suspension from chiropractic practice was entered on June 28, 2002, and a copy served on respondent. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent's attorney, Daniel Guadalupe, Esq., submitted a written response on behalf of respondent for the Board's consideration. Mr. Guadalupe represented that the incident was the result of an unfortunate, careless situation rather than willful, malicious conduct. The response described respondent as a man who cares about his family, profession and community and who regrets the incident. Mr. Guadalupe stated that respondent agrees to the terms of the Provisional Order of Discipline and requests that the active suspension be effective starting no earlier than November 1, 2002. In reply to Mr. Guadalupe letter, John Hugelmeyer, Deputy Attorney General for the State Board of Chiropractic Examiners, stated that he did not object to respondent's request regarding the date of the active suspension. For the Board's review and consideration, DAG Hugelmeyer submitted as part of the record a relevant portion of respondent's Transcript of Plea

which demonstrates that respondent purposely started or helped along a fire on his property for the purpose of collecting insurance. DAG Hugelmyer further submitted to the Board a copy of the Consent Order entered into by respondent with the Office of Insurance Fraud Prosecutor whereby it is ordered and agreed that, among other things, respondent shall pay a \$10,000.00 civil penalty.

Respondent's submission was reviewed by the Board, and the Board determined that further proceedings were not necessary and that no material discrepancies had been raised. The terms of the Provisional Order of Discipline remain unchanged as agreed to by respondent. Because the Final Order of Discipline will be filed in November 2002, respondent's active suspension will not begin prior to November 1, 2002, thereby satisfying respondent's request.

ACCORDINGLY, IT IS ON THIS 19th DAY OF NOVEMBER 2002,

ORDERED THAT:

1. Respondent's license to practice chiropractic in the State of New Jersey be and hereby is suspended for a period of three (3) years, of which six (6) months shall be active commencing upon the entry of the within Final Order of Discipline.

2. Prior to resuming active practice in New Jersey, respondent shall be required to submit to the Board a true copy of the report submitted to the Probation Division and to appear before the Board (or a committee thereof) to demonstrate fitness to resume practice. Any practice in this State prior to said appearance shall constitute grounds for a charge of unlicensed practice. In addition, the Board reserves the right to place restrictions on respondent's practice should his license be reinstated.

NEW JERSEY STATE BOARD OF CHIROPRACTIC EXAMINERS

By Brian Atkisson, D.C.
Brian Atkisson, D.C.
Board President